

REMARKS

Claims 1-6 and 8-19 remain pending.

Response to Arguments

The Examiner maintains that cellular and cordless systems are analogous. The Examiner alleges that there “are no cellular phones in the prior art where Cellular systems do use DTMF as is expressly stated in Tendler. Cellular systems for connection to emergency services inherently connect to a public network or no emergency services could be obtained in the current structure of public telecommunications. Tender clearly automatically dials the number (col. 2, lines 41-44).” The Applicants respectfully disagree.

The claims recite a cordless telephone **NOT** a cordless system, as the Examiner alleges. The cordless telephone was invented prior to the cellular telephone. Once the cellular telephone was invented, to differentiate a cellular telephone from the existing cordless telephone the cellular telephone was given its unique name.

Moreover, such telephones have become so commonplace that even lay persons, unskilled within the art of how such devices operate, know that a cordless telephone is a distinct device from a cellular telephone. Walk into any consumer electronics store and any salesperson can direct the Examiner to and explain the differences between a cordless telephone and a cellular telephone. Although the Examiner is permitted to read the claims as broadly as reasonable, the Examiner is being unreasonably in the interpretation of the claims and ignoring a term of art in the claims.

In fact, even the Examiner cited prior art, Tendler and Schellinger make the distinction from a cellular telephone and a cordless telephone. Schellinger’s invention is directed toward a combination cellular telephone and cordless telephone that Schellinger creates a new distinct name for to differentiate the combination telephone from telephones have single cordless telephone function and single cellular telephone function, i.e., a cellular cordless radiotelephone.

Moreover, the claims recite a dial tone. The Examiner alleges that because Tendler's cellular phone uses DTMF and connects to a public switched telephone network (PSTN), the claims read on Tendler's cellular phone. The Applicants respectfully disagree.

Cellular telephone systems do not operate on dial tones, as a PSTN relies on for operation. Pick up any cellular telephone and there is no dial tone to be had. This is because cellular telephones do not rely on a dial tone since operating on a separate and distinct network from a PSTN utilizing a completely different technology. A cellular telephone obviously can call into a PSTN for any purpose not only emergency services, as the Examiner acknowledges, but this is irrelevant to the distinction between the two completely different types of networks.

Moreover, DTMF are tones used in a PSTN for various reasons including dialing a destination telephone number. Obviously, if a cellular telephone could not produce DTMF tones, such services as voice mail that requires a PIN entry that relies on DTMF tones would be inaccessible from a cellular telephone. Thus, although a cellular telephone is able to produce DTMF tones for backward compatibility to systems that rely on such tones, DTMF tones are distinct tones from a dial tone that a cellular telephone network does not rely on.

Since DTMF tones are distinct tones from a dial tone, the existence of one does not automatically establish the existence of the other.

If the Examiner continues to maintain that a cellular telephone is analogous to a cordless telephone, the Examiner is requested to provide support for such an unfounded allegation on more concrete support that DTMF tones.

Objection to the Specification

The Examiner objected to the specification for allegedly not respecting trademarks associated with "Sesame Street" and "PBS".

The specification is amended herein to designate "Sesame Street" and "PBS" with their respective trademark designations. The Applicants respectfully request the objection to the specification be withdrawn.

Claims 1-6 and 8-19 over Tendler in view of Schellinger

In the Office Action, claims 1-4, 6 and 8-19 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by U.S. Patent No. 5,555,286 (“Tendler”) to Tendler in view of U.S. Patent No. 5,260,988 to Schellinger (“Schellinger”). The Applicants respectfully traverse the rejections.

Claims 1-6 and 8-19 recite a method utilizing a **cordless telephone** and a **cordless telephone** that initiates a telephone call based on a sensed key sequence without a need to manually instruct the cordless telephone to go off-hook.

The Office Action continues to frustrate the Applicants with an allegation that a **cordless telephone** is analogous to a **cellular telephone**, with the basis for the allegation on Tendler allegedly disclosing a cellular telephone using DTMF tones (Office Action, page 3). As discussed above, cellular telephone use DTMF tones for backward compatibility with tone based systems. However, a **cellular telephone** relying on DTMF tones does not make it a **cordless telephone**.

Moreover, claims 1-6 and 8-19 are amended hereinto to **even more** clearly distinguish a **cordless telephone** from a **cellular telephone**. Claims 1-6 and 8-19 are amended herein to recite a base unit of a **cordless telephone** interfaces **directly** to a public switched telephone network. A **cellular telephone** connects **indirectly through a cellular network** to a public switched telephone network.

The Examiner acknowledges that Tendler fails to disclose a connection to a PSTN and an available dial tone (Office Action, page 3). As discussed above, the reason Tendler fails to disclose a connection to a PSTN and an available dial tone is that Tendler’s invention is directed toward a **cellular telephone** that **fails** to **directly** connect to a PSTN and **does not rely** on a dial tone for operation. The Examiner relies on Schellinger to allegedly make up for the deficiencies in Tendler to arrive at the claimed features. The Applicants respectfully disagree.

Schellinger discloses a dual mode telephone that is able to operate as a cellular telephone and a cordless telephone (Abstract). Any telephone that

is able to operate as a cordless telephone would rely on a dial tone and connect to a PSTN.

Thus, there is a substantial overlap between Tendler and Schellinger being that they both disclose a telephone that has cellular capability. However, neither Tendler nor Schellinger disclose or suggest adding the claimed features to a cordless telephone, i.e., a method and a **cordless telephone** that initiates a telephone call based on a sensed key sequence without a need to manually instruct the cordless telephone to go off-hook, as recited by claims 1-6 and 8-19.

Moreover, neither Tendler nor Schellinger disclose or suggest modifying Tendler's cellular telephone to add cordless telephone capability. Tendler fails to disclose shortcomings that would require anything but a connection to a cellular network. "Teachings of references can be combined only if there is some suggestion or incentive to do so." In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Thus, without a suggestion to modify Tendler with the disclosure of Schellinger the Examiner is modifying Tendler without a basis for obviousness.

The Examiner alleges that modifying Tendler with the disclosure of Schellinger would arrive at the claimed features. However, even if it were obvious to modify Tendler with the disclose of Schellinger (which it is not as discussed above), the theoretical result would be a combination cellular telephone and cordless telephone, i.e., a cellular cordless radiotelephone. However, Tendler's disclosed features (since disclosed only for a cellular telephone) would only be available when the cellular cordless radiotelephone was being used as a cellular telephone. There is not disclosure or suggest to make such features available when the cellular cordless radiotelephone was being used as a cordless telephone.

Tendler modified by the disclose of Schellinger fails to disclose, teach or suggest a method utilizing a **cordless telephone** and a **cordless telephone** that initiates a telephone call based on a sensed key sequence

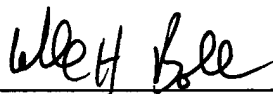
without a need to manually instruct the cordless telephone to go off-hook, as recited by claims 1-6 and 8-19.

Accordingly, for at least all the above reasons, claims 1-6 and 8-19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df